

- B1*
- b. vacuum depositing a stent-forming metal onto the substrate;
 - c. defining a plurality of openings passing through the deposited stent-forming metal on the substrate, the plurality of openings forming geometric deformation regions permitting radial expansion of the endoluminal stent; and
 - d. removing the substrate from the radially expandable endoluminal stent formed thereupon.
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Please cancel Claim 9, without prejudice or disclaimer.

- B2*
11. A method of making an implantable medical device, comprising the steps of:
- (a) providing a substrate having a shaped exterior surface capable of accommodating metal deposition thereupon;
 - (b) vacuum depositing a biocompatible material onto the shaped exterior surface of the substrate while controlling formation of heterogeneities in the biocompatible material;
 - (c) forming the implantable medical device in the deposited biocompatible material; and
 - (d) removing the substrate from the formed implantable medical device.
12. The method according to Claim 11, wherein step (a) further comprises the step of providing a substrate having a curved exterior surface.
13. The method according to Claim 12, wherein the curved exterior surface is generally cylindrical in shape.
14. The method according to Claim 11, wherein step (c) further comprises the step of selective deposition of the biocompatible material onto the substrate.
15. The method according to Claim 11, further comprising the step of depositing a sacrificial layer of a material onto the substrate prior to step (b).
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Please add the following new claims 22-26:

~~Claim 22 (New)~~ The method according to Claim 11, wherein step (c) further comprises the step of defining a pattern of openings passing through the deposited biocompatible material, the pattern of a plurality of openings defining deformation regions of the biocompatible material capable of undergoing geometric deformation thereby enlarging the pattern of a plurality of openings.

Claim 23 (New) The method according to Claim 11, wherein step (b) further comprises the step of controlling heterogeneities in the stent-forming metal during vacuum deposition.

Claim 24 (New) The method of Claim 23, wherein the step of controlling heterogeneities further comprises the step of controlling at least one of grain size, grain phase, grain material composition, stent material composition and surface topography during vacuum deposition.

Claim 25. (New) The method of Claim 23, wherein the step of controlling heterogeneities further comprises the step of defining polar and non-polar binding sites for binding blood plasma proteins.

Claim 26. (New) The method of Claim 11, wherein step (b) further comprises the step of controlling at least one of fatigue life, corrosion resistance, tensile strength and yield strength of the vacuum deposited biocompatible material.

Remarks

The Applicants are aware of the following provisional rejection of claims 1-10 for obviousness-type double patenting over claims 14-23 of co-pending application No. 09/707,685. The Applicants will address this rejection once it becomes non-provisional. The Applicants also submit that the prior art rejections fail to render the pending claims unpatentable and request their allowance based on the following arguments.